

# Standards Committee

Thursday 8 December 2022

10.00 am Luttrell Room - County Hall,  
Taunton



To: The Members of the Standards Committee

Cllr J Bailey (Chair), Cllr N Cavill, Cllr H Davies, Cllr M Dimery, Alan Hemsley, Paul Hooper, Robin Horton, Cllr B Smedley and David Stripp

All Somerset County Council Members are invited to attend meetings of the Cabinet and Scrutiny Committees.

Issued By Scott Wooldridge, Monitoring Officer and Strategic Manager - Governance and Democratic Services – 30 November 2022

For further information about the meeting, please contact Andrew Melhuish [andrew.melhuish@somerset.gov.uk](mailto:andrew.melhuish@somerset.gov.uk) or Clare Rendell [clare.rendell@somerset.gov.uk](mailto:clare.rendell@somerset.gov.uk) or

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)



**RNID typetalk**

# AGENDA

Item Standards Committee - 10.00 am Thursday 8 December 2022

**\*\*Public guidance notes contained in agenda annexe\*\***

1 **Apologies for Absence**

To receive members apologies

2 **Minutes of the Previous Meeting of the Standards Committee** (Pages 7 - 12)

To note the minutes of the previous meeting of the Standards Committee, circulated within the agenda.

3 **Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils can be viewed on the [Council Website](#)

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team. Any new or updated declarations of interest will be received.

4 **Public Question Time**

The Chair will allow members of the public to ask a question or make a statement about any matter on the agenda for this meeting. **These questions may be taken during the meeting, when the relevant agenda item is considered, at the Chair's discretion.**

5 **Feedback from P1 Group - Code of Conduct**

6 **Feedback from P2 Group - Town & Parishes Code of Conduct**

7 **Feedback from P3 Group - Officer Code (to include HR Committee report for info)** (Pages 13 - 20)

8 **Work Programme**

- Gifts & Hospitality, Review of Declarations - February 2023
- Standards Committee Annual Report - February 2023
- Appointment of Chair for the February 2023 meeting
- Annual Report on Standards of Conduct 2022/2023 - September 2023

## Guidance notes for the meeting

### 1. **Council Public Meetings**

The former regulations that enabled virtual committee meetings ended on 7 May 2021. Since then, all committee meetings need to return to face-to-face meetings. The requirement is for members of the committee and key supporting officers to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

### 2. **Inspection of Papers**

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) or telephone 01823 357628.

They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers).

Printed agendas can also be viewed in reception at the Council offices at County Hall, Taunton TA1 4DY.

### 3. **Members' Code of Conduct requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

### 4. **Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

### 5. **Public Question Time**

If you wish to speak, please contact Democratic Services by 5pm 3 clear working days before the meeting. Email [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out.

After entering the Council building you may be taken to a waiting room before being taken to the meeting for the relevant agenda item to ask your question. After the agenda item has finished you will be asked to leave the meeting for other members of the public to attend to speak on other items.

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

At the Chair's invitation you may ask questions and/or make statements or comments about any matter on the Committee's agenda – providing you have given the required notice. You may also present a petition on any matter within the Committee's remit. The length of public question time will be no more than 30 minutes in total (20 minutes for meetings other than County Council meetings).

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred just because you cannot be present for the meeting. Remember that the amount of time you speak will be restricted, to three minutes only.

In line with the council's procedural rules, if any member of the public interrupts a meeting the Chair will warn them accordingly.

If that person continues to interrupt or disrupt proceedings the Chair can ask the Democratic Services Officer to remove them as a participant from the meeting.

Provision will be made for anybody who wishes to listen in on the meeting only to follow the meeting online.

## 6. **Meeting Etiquette for participants**

- Only speak when invited to do so by the Chair.
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Speak clearly (if you are not using video then please state your name)

- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

## 7. **Exclusion of Press & Public**

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask Participants to leave the meeting when any exempt or confidential information is about to be discussed.

## 8. **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

Please contact the Committee Administrator or Democratic Services on 01823 357628 or email [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) if you have any questions or concerns.

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## STANDARDS COMMITTEE

Minutes of a Meeting of the Standards Committee held in the Luttrell Room - County Hall, Taunton, on Thursday 10 November 2022 at 10.00 am

**Present:** Cllr J Bailey (Chair), Cllr H Davies, Cllr M Dimery, Alan Hemsley, David Stripp and Cllr B Smedley

**Other Members present on Microsoft Teams:** Paul Hooper, Robin Horton, Cllr A Dingwall, Cllr M Kravis, Cllr S Osborne and Cllr L Redman

**Apologies for absence:** Cllr N Cavill

**8 Apologies for Absence - Agenda Item 1**

An apology was received from Councillor Norman Cavill.

Paul Hooper and Robin Horton joined the meeting via Microsoft Teams.

**9 Declarations of Interest - Agenda Item 2**

The Committee noted the details of the personal interests of all Councillors present already declared in relation to their membership of County, District, Town and Parish Councils.

No additional declarations were made.

**10 Public Question Time - Agenda Item 3**

No members of the public had registered to speak.

**11 Minutes of the Previous Meeting of the Standards Committee - Agenda Item 4**

The minutes of the meeting held on Monday 20 October 2022 were approved and signed as a correct record.

**12 Priority One Update - Agenda Item 5**

The Chair advised the update be given under agenda item 7a (minute item 14a).

**13 Annual report on standards of conduct 2021/22 - Agenda Item 6**

The Committee discussed the Annual Report and the following was a summary of the areas raised:-

- Members assumed that as the number of councillors had doubled, so would the number of complaints received.  
*The Monitoring Officer advised that agenda item 7a (minute number 14a) would give feedback on the level of complaints across all five councils and would give assurance on compliance and training.*

- Members queried that if a complaint was received and it was taken to a Standards Sub-Committee, would it have Parish or Local Community Network representation to give some parish experience on the panel.  
*The Monitoring Officer advised that this would be covered under agenda item 7a (minute number 14a)*
- Members queried what the resourcing plan was for the New Council in the Monitoring Officer department.  
*The Monitoring Officer advised this would be covered under agenda item 7a (minute number 14a).*

**Resolved** that the Committee considered the annual report and provided any comments to the Monitoring Officer.

#### 14 **Agenda Item 7 - Agenda Item 7**

- (a) Somerset Councillor and Town and Parish Councils Code of Conduct Complaints Procedure

The Committee discussed the Code of Conduct Complaints Procedure and the following was a summary of the areas raised:-

- The Chair gave an update on what the Priority One Group had discussed which included a focus on the publicity of the complaints process and a suggested adoption of Buckinghamshire's section three of their code for discussion.
- Members suggested that the committee tested the system for the complaints process.  
*The Monitoring Officer agreed that was a good idea to see how breeches were dealt with by stress testing the system with hypothetical examples.*
- Members queried if a Somerset County Council (SCC) Councillor was being investigated under the complaints process, would they be suspended from the committee.  
*The Monitoring Officer advised that councillors would not be removed from the committee. Only severe levels of complaints would incur sanctions. He further advised that certain sanctions could be used but committee composition was for Full Council to decide.*
- Members queried whether the 279 parishes included the Unparished Area of Taunton, soon to be Taunton Town Council.  
*The Monitoring Officer advised that yes that number did include the Taunton Town Council.*
- Members queried whether the Taunton Town Council would adopt the Model Code of Conduct.  
*The Monitoring Officer advised that he was working with Somerset West and Taunton Council and the Shadow Taunton Town Council to ensure that the Model Code of Conduct was adopted.*
- Members queried whether the five Independent Persons, would include the three being proposed in the report for agenda item 7b (minute number 14b).
- Concern was raised on whether two Deputy Monitoring Officers (DMOs) would be enough, Members further suggested that four or five Deputy's would be preferable.



*The Monitoring Officer advised that a comparable of what other councils had in terms of resource and complaints received had been given in the presentation.*

- Concern was raised that not all the parishes had adopted the Model Code of Conduct, which would lead to the complaints process being quite complicated for the Monitoring Officer, as they would need to refer back to too many different codes.

*The Monitoring Officer agreed with the comments.*

- Members highlighted what was happening with Parish Meetings.  
*The Monitoring Officer advised that the Parish Meetings were not covered by the 1972 Act and so therefore did not require a Code of Conduct and explained what a Parish Meeting was.*
- Members queried whether two DMOs had been factored into the budget to be agreed at Full Council in February 2023.

*The Monitoring Officer advised that the budget did not include the finer detail of officer posts. He advised that he had investigated other Local Government Reorganisations to see how many DMOs they had appointed.*

- Members repeated their query about the use of parish representatives on Standards Sub-Committees.

*The Monitoring Officer advised that they were not part of the decision-making process, however, they could be co-opted onto the panel.*

- Members suggested that parish representatives should be included on the Standards Committee of the New Council.

*The Monitoring Officer advised that could be part of the work being carried out on the new Constitution.*

- Members highlighted that many of the SCC Councillors were also Parish Councillors and suggested that it was an anomaly that all councillors were judged on the same level of conduct.

- Members suggested that when appointing members to the Standards Committee, that 'twin hatters' could be chosen to ensure both county and parish experience was included in the committee.

- Members queried if a councillor did not submit their register of interest form with 28 days of becoming a councillor, would they would cease to be a councillor.

*The Monitoring Officer advised that if they did not return their register of interest, they would be in breach of the Code of Conduct.*

- Members queried what was happening with Whistleblowing Complaints.  
*The Monitoring Officer advised that the policy had only just been revised in May 2022 and that the South West Audit Partnership was used for independent reporting.*

- Members requested that a schematic should be drawn up for the complaints process to show members of the public how complaints were dealt with and the timescales. They further requested that this should be included in the Constitution.

*The Monitoring Officer suggested that the item could be brought back to the January meeting and that a compare and contrast exercise could be debated.*

**Resolved** that the Committee:-

- 2.1 Noted the update including the steps being taken by the LGR Governance Board to ensure a smooth transition of the countywide Code of Conduct complaint process and procedures to Somerset Council.
- 2.2 Noted the likely impact upon resources and the need for sufficient resource in the new structure.
- 2.3 Commented upon the proposals.
- (b) Proposed appointment of Reserve Independent Person for Somerset County Council and recruitment of Independent Persons for Somerset Council

The Committee discussed the recruitment of Independent Persons and the following was a summary of the areas raised:-

- Members queried who the current Independent Person (IP) was.  
*The Monitoring Officer advised that the appointment of the reserve IP would cover the post until April 2023.*
- Members queried whether the IP attended the Standards Committee meetings.  
*The Monitoring Officer advised that the committee could request their attendance.*
- Members queried whether the Monitoring Officer was confident that resource would be in place in time for Vesting Day.  
*The Monitoring Officer advised that the report would be signed off at the November 2022 meeting of Full Council, so he felt very confident that resource would be appointed in time.*

**Resolved** that the Committee:-

- 2.1 Commented on the Monitoring Officer's proposed recommendations to Council in relation to:-
1. Appointing Lorraine Davey as a Reserve Independent Person under Section 28 of the Localism Act 2011 with immediate effect until 31 March 2023
  2. Authorising the recruitment of three Independent Persons for the new Somerset Council on the basis set out in this report

15 **SALC Update on Town and Parish Councils Codes of Conduct - Agenda Item 8**

The Committee discussed the update from SALC and the following was a summary of the areas raised:-

- Members thanked Justin Robinson from SALC for his presentation.
- Members agreed that the suggested use of sanctions included in the presentation were good and they liked the idea of mediation.
- Members were very keen to work with SALC on training and raising awareness amongst councillors.
- Members agreed that Priority Two Group should pick up on the three points on the final slide.
- Members suggested Priority Two Group should compare what other Unitary Councils had in place for mediation.
- Members thanked Justin Robinson for the survey carried out on the adoption of the Model Code of Conduct.
- Members wanted to ensure that parish councils were supported.

*Justin Robinson confirmed that both SALC and non-SALC members were included in data sharing.*

- Members agreed that SALC played an important part in the work being carried out in the lead up to the New Council.
- Concern was raised on the number of parishes that had not adopted the Model Code of Conduct.
- Members queried whether those parishes who had not adopted the Model Code, would be followed up with a contact and work on possibly adopting the Model Code.

*Justin Robinson advised that he was keen to work with those who had not adopted the Model Code.*

- Members suggested that the Monitoring Officer would need a database of those who had and had not adopted the Model Code of Conduct.
- Members requested that the presentation be attached to the minutes.

16 **Work Programme 2022/23 - Agenda Item 9**

The Chair advised that the Work Programme had been discussed throughout the meeting and points would be highlighted in agenda item 10 (minute number 17).

17 **Action Plan - Agenda Item 10**

The Committee discussed the Action Plan and the following was a summary of the areas raised:-

Action	By Whom	By When
Agenda Item 4 – Minutes. 4.1 – D Stripp analysis, useful as a checklist	P1/P2/P3 note	
Agenda Item 7a – Code of Conduct 7.1 – P1 Review – test drive the format of complaints procedure, publicity for complaints, vexatious claims 7.2 – P2 to review Parish Council Adoption of the Model CoC, agree measures of success, contact SALC to discuss 7.3 – Officer to review of CoC, produce schematic, include complaint process in Constitution, publication of findings	P1  P2  Tom Woodhams/ Melanie Wellman	By next meeting, 21/11/22  By next meeting, 08/12/2022  02/02/2023
Agenda Item 8 – SALC Update 8.1 – P2 to review support for last slide and to compare with Buckinghamshire 8.2 – Support for non-SALC	P2	08/12/2022

members		
Agenda Item 9 – Work Programme 9.1 – P1/P2/P3 agree virtual meetings and agree appointment of Chair for each Priority Group 9.2 – Appointment of Chair for February meeting		08/12/2022

**(The meeting ended at 12.35 pm)**

**CHAIRMAN**

## Standards of Conduct

### Introduction

Somerset Council's reputation, trust, and confidence in its integrity is of vital importance. It must discharge its day-to-day responsibilities with openness and honesty, this philosophy is captured in this code. These principles are presented to assist staff in carrying out their day-to-day responsibilities in accordance with legal requirements placed upon them and any policies adopted by the Council. The Council has a responsibility to take appropriate action where employees feel that they are subject to inappropriate action by a third party.

Provisions relating to the conduct expected of local government employees are also embodied in national agreements such as the 'Green Book' [\(add link\)](#) for Local Government Services Employees. These are further supported by the codes of ethical behaviour of various professional bodies.

This document may be supplemented by departmental or sectional practice notes, which will give more detailed guidance on particular areas. If further guidance is needed on any aspect of these Standards, it can be obtained initially by approaching a manager.

This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

### Status of these Standards of Conduct

These Standards are based on a document drawn up by the Local Government Management Board on behalf of the local authority associations. They were adopted in 1993 after consultations with Chief Officers and employee representatives. Whilst not themselves amounting to a disciplinary code, any failure to follow the standards set in this document may, depending upon circumstances, give rise to disciplinary action.

### Who are the Standards aimed at?

The Standards apply to all employees of Somerset Council, except for those employed under Teachers Terms and Conditions to which separate standards apply.

Employees must provide services or advice to the best of their ability, within the rules of their relevant professional conduct of any relevant professional or trade body.

Employees should consistently offer objective professional and technical advice and always carry out their responsibilities in an impartial manner. Employees are entitled

to expect that no Officer or Member of the Council will seek to pressure or persuade them to do otherwise. Where it is alleged that such action has taken place, the Council will investigate the allegation if requested to do so under the appropriate procedures.

There may be occasions when employees, carrying out their duties for the Council, find themselves at odds with national government advice or guidance. In such circumstances it is particularly important that they are seen to behave with complete objectivity and impartiality obtaining managerial and professional advice and guidance where appropriate. Employees are entitled to expect to receive the unequivocal support of senior managers in so doing.

### Guiding Principles

In conducting Council business employees should act in accordance with three key guiding principles:

- Ensure that their conduct complies with this Protocol, the spirit of this Protocol, the Council's policies, and the law
- Ensure that their conduct is never influenced by personal gain
- Ensure that their conduct could not give anyone reason to question their motive

### Confidentiality and Openness

In general, employees should act on the presumption that open government serves the public better than secrecy.

Wherever it might be relevant to their job, employees should be aware of and implement relevant statute and common law that provides for either confidentiality or rights of access to information for Councillors, auditors, and citizens (and in some cases regulatory bodies and government departments).

Any express or implied responsibility to keep information confidential should be respected by employees and there should be awareness that such responsibility might arise from the nature of the information itself, for example, its commercial or personal sensitivity. It will be extremely rare that employees will be entitled to accept confidences in the course of their duties that cannot be shared with their manager.

Employees should not use information obtained in the course of their employment for personal gain or benefit nor should they pass it on to others who might use it in such a way. When employees obtain confidential information belonging to the Council then they must not disclose that information to any person not authorised to receive it. When employees receive from Councillors information not belonging to the Council or information belonging to the Council, which is confidential, then they

must not disclose that information without the appropriate consent of a **Senior Leadership Team Manager** or **Strategic Manager**.

In their dealings with employees, Councillors and **Chief Officers** should ensure that communication is as open and informative as possible within the constraints imposed by the law, by their terms and conditions of employment, by the Council's Constitution, policies, procedures, protocols, commercial considerations, and personal sensitivity.

#### Protection of Public Funds

Employees must use public funds entrusted to them to the best advantage of the Council and the community they serve, always trying to ensure value for money for the local taxpayer.

#### Political Neutrality

It is important for the proper functioning of the Council that all Members have trust and confidence in the political impartiality of employees **(except in the case of political assistants/political support officers if the Council decides to have such post holder(s))**.

All employees of the Council are required to be politically neutral in the completion of their duties and certain posts are politically restricted or politically sensitive. This means that employees in politically restricted or politically sensitive roles may not participate in any formal political activity. The controlling political group may change, and it is important that employees show no bias or personal preference, whatever their personal political beliefs may be.

Employees need to know whether their post is subject to the political restrictions placed on certain post holders by the Local Government and Housing Act, 1989 this can be found in the Recruitment Policy **(add link)**. Relevant employees should be aware of the nature of those restrictions and ensure that they abide by them.

#### Relationships

All employees must comply with the Member/Officer Protocol and, in this context, particularly the section relating to Personal and Family relationships. Similarly, all employees must comply with the Officer Code of Conduct. For further information or clarification in relation to this issue, please contact the **Strategic Manager – Governance & Risk & Monitoring Officer, Council Solicitor, or Deputy Monitoring Officer**.

#### Elected Councillors

Employees are responsible to the Council. For many, their job is to give advice to Councillors and the Council and all are there to carry out the Council's work. Mutual

respect between Councillors and staff is essential to good local government. Close personal familiarity between individual Councillors and employees should be avoided as it can damage the relationship and prove embarrassing to other Councillors and employees (National Code of Local Government Conduct paragraphs 23 to 25).

#### The Local Community and Service Users

Employees should remember their responsibilities to the community they serve and ensure courteous, high quality, efficient, and impartial service delivery to all groups and individuals within that community. Such courtesy and efficiency should be shown to all persons with whom employees deal remembering that all opportunities need to be taken to enhance the reputation of the Council whether locally, nationally, or internationally.

#### Appointments and Employee Relationships

Employees should ensure that appointments are made based on merit and in accordance with the Council's policies and procedures. Merit is determined by matching the chosen candidate with the job specification and ignoring all other extraneous considerations. Employees in the course of their duties should not be involved in the appointment, pay adjustment, approval of expenses, promotion, or discipline of partners, relatives, or close friends.

Close personal relationships between employees should not be permitted to influence the way services are provided if that is or could be detrimental to services.

Employees should not be put under pressure by work colleagues, particularly those in a position of seniority, or Councillors to act or not to act so as to breach these standards or any other national, local, or departmental rules of conduct. If such pressure is exerted, it should be reported to the relevant **Chief Officer**.

#### Contractors

Relationships with contractors or potential contractors should be made known in accordance with the legal requirements to declare financial interests (Section 117 Local Government Act 1972). Advice on this can be obtained from the **Monitoring Officer**.

Contracts must be awarded on merit in fair competition against other tenders and no favouritism should be shown to businesses run by friends, partners, or relatives, nor should there be improper discrimination against individuals, groups, or sections of the community. Employees who monitor the performance of contractors should behave in a fair and equitable fashion towards all contractors, including in-house contractor organisations, and should not show favouritism to, or improperly discriminate against, any contractor or breach any duty of confidentiality.



Employees who engage or supervise contractors for the Council and who wish to engage a contractor with whom they previously had or currently have a relationship in a private or a domestic capacity should declare that relationship. Employees should not use, in a private or domestic capacity, a contractor with whom they have had official dealings as employees of the Council, without declaring it to his/her Corporate Manager. Similarly, Contractors should be required to disclose private or domestic relationships with any officer or Member. The Council will seek to ensure that the attention of contractors is drawn to the requirements of the Local Government Act 1972 and these Standards.

### Other Employments

Any employee considering additional employment should discuss this with their line manager to determine whether there may be a conflict of interests, consider whether the additional role is manageable, and whether this may negatively affect the employee's wellbeing. If a potential conflict of interest, working times regulations issue or wellbeing concern is found, please contact HR Advisory to discuss this further. Employees will be required to complete the Register of Officer Interests ([add link](#)).

### Equal Opportunities

All employees must comply with both the spirit and letter of the Equality Act 2010 and the Council's Equal Opportunities policy ([add link](#)), treating all members of the public and colleagues with respect and fairness.

### Health and Safety

The Council has a legal obligation to protect the health and safety at work of all its employees and others in the workplace. Equally, employees should always be aware of, and fulfil, their legal responsibility to protect their own and others health and safety at work ([add link](#)).

### Post-Employment Duties

The duty of fidelity which each employee owes to the Council, and which requires an employee to act in an honest fashion and not in a manner which will harm the Council, may in certain respects, continue following the end of that employee's employment. For example, even though the Council no longer employs them, a former employee must not disclose trade secrets or confidential information that belongs to the Council.

Certain employees may have access to intellectual property (such as copyrighted materials), which belong to the Council. An employee might even have contributed to the creation of that intellectual property during the period of employment. However, where part or whole of that property belongs to the Council it cannot be

used by a former employee for any purpose without the Council's written agreement. Such intellectual property rights may sometimes be difficult to define but Council or departmental guidance will be issued to cover specific categories.

### Personal Interests

An employee must declare as soon as reasonably practicable, to their line manager and **Chief Officer** any personal interest (whether financial or otherwise) which they have which may conflict, or may be perceived reasonably as conflicting with, the interests of the Council. The Registration of Officers Interests Form ([add link](#)) must be completed by the employee, this will then be sent to the line manager and **Chief Officer** to confirm the interest has been officially registered.

Personal interests may be financial, relate to property or concern any other matter; they may concern the employee themselves, family members, or close associates or they may relate to any body including, external organisations, individual persons, or the Council itself.

The obligation to disclose a personal interest only applies when the employee is aware of it or ought reasonably to have been aware of, it may, in some cases, be unreasonable to expect an employee to be aware of or to research the employment, business interests and other activities of family members and close associates. However, employees must not ignore the existence of interests, which, from the point of view of the reasonable person, they should have been aware. Employees are therefore under an obligation to make such inquiries as a reasonable person would think prudent in the circumstances.

### Disclosable Interests

Employees must, in accordance with any Council arrangements, register membership of any organisation not open to the public which requires of members any form of commitment or allegiance, and which has secrecy about rules, membership or conduct.

### Gifts and Hospitality

There is a separate policy for Registering Gifts and Hospitality ([add link](#)).

### Interpretation

Several parts of this protocol refer to a reasonableness test. **The Chair of the Council's Standards Committee** shall be the ultimate arbiter of what is reasonable in relation to the operation of this protocol.

The "proper business and/or interests of the Council" may include but are not limited to: carrying out the proper functions of the Council and doing anything which is incidental or conducive to carrying out the proper functions of the Council.

The following meanings have been adopted which are consistent with national guidance on the Members' Code of Conduct:

- A "family member" should be given a very wide meaning. It includes a spouse, civil partner or an individual an employee lives with in a similar capacity, parents, parents-in-law, children or stepchildren, grandparents, grandchildren, nephews and nieces and the spouses or partners of these people.
- A person with whom you have a "close association", as defined above, is someone that you are in contact with, regularly or irregularly, and who is more than just an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disfavour. It may be a friend, colleague, business associate, or someone you know through general social contacts.

Version	1
Date	
Relevant Legislation	Local Government Act 1972 Equality Act 2010 Working Time Regulation 1998 National Code of Local Government Conduct

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